

**ASSEMBLY BILL**

**No. 1401**

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**Introduced by Committee on Arts, Entertainment, Sports, Tourism,  
and Internet Media (Assembly Members Campos (Chair), Carter,  
Gatto, Mendoza, and Monning)**

March 2, 2011

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An act to amend Section 1308.5 of, and to add Section 1308.10 to, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1401, as introduced, Committee on Arts, Entertainment, Sports, Tourism, and Internet Media. Employment: minors.

Existing law regulates the employment of minors in the entertainment industry and requires the written consent of the Labor Commissioner for a minor under the age of 16 to take part in certain types of employment.

This bill would establish a program to be administered by the Labor Commissioner that would enable a minor's parent or guardian, prior to the first employment of a minor performer and under specified conditions, obtain a temporary permit for the employment of a minor. This bill would also create the Entertainment Work Permit Fund into which would be deposited an application fee, set by the Labor Commissioner that would be required for the issuance of a temporary permit. Upon appropriation by the Legislature, the proceeds from this fund would be used to pay the costs of administering the temporary minor's entertainment work permit program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1308.5 of the Labor Code is amended to read:

1308.5. (a) This section, with the exception of paragraph (4) of this subdivision, shall apply to all minors under the age of 16 years. The written consent of the Labor Commissioner *in the form of a permit to employ a minor in the entertainment industry* is required for any minor, not otherwise exempted by this chapter, for any of the following:

(1) The employment of any minor, in the presentation of any drama, legitimate play, or in any radio broadcasting or television studio.

(2) The employment of any minor 12 years of age or over in any other performance, concert, or entertainment.

(3) The appearance of any minor over the age of eight years in any performance, concert, or entertainment during the public school vacation.

(4) Allowing any minor between the ages of 8 and 18 years, who is by any law of this state permitted to be employed as an actor, actress, or performer in a theater, motion picture studio, radio broadcasting studio, or television studio, before 10 o'clock p.m., in the presentation of a performance, play, or drama continuing from an earlier hour until after 10 o'clock p.m., to continue his *or her* part in such presentation between the hours of 10 and 12 p.m.

(5) The appearance of any minor in any entertainment which is noncommercial in nature.

(6) The employment of any minor artist in the making of phonograph recordings.

(7) The employment of any minor as an advertising or photographic model.

(8) The employment or appearance of any minor pursuant to a contract approved by the superior court under Chapter 3 (commencing with Section 6750) of Part 3 of Division 11 of the Family Code.

(b) Any person, or the agent, manager, superintendent or officer thereof, employing either directly or indirectly through third persons, or any parent or guardian of a minor who employs, or permits any minor to be employed in violation of any of the

1 provisions of this section is guilty of a misdemeanor. Failure to  
2 produce the written consent from the Labor Commissioner is prima  
3 facie evidence of the illegal employment of any minor whose  
4 written consent is not produced.

5 SEC. 2. Section 1308.10 is added to the Labor Code, to read:

6 1308.10. (a) Prior to the employment of a minor under the age  
7 of 16 years in any of the circumstances listed in subdivision (a) of  
8 Section 1308.5, the Labor Commissioner may issue a temporary  
9 permit authorizing employment of the minor to enable a parent or  
10 guardian of the minor to meet the requirement for a permit under  
11 subdivision (a) of Section 1308.5 and to establish a trust account  
12 for the minor or to produce the documentation required by the  
13 Labor Commissioner for the issuance of a permit under Section  
14 1308.5, subject to all of the following conditions:

15 (1) A temporary permit shall be valid for a period not to exceed  
16 10 days from the date of issuance.

17 (2) A temporary permit shall not be issued for the employment  
18 of a minor if the minor's parent or guardian has previously applied  
19 for or been issued a permit by the Labor Commissioner pursuant  
20 to Section 1308.5 or a temporary permit pursuant to this section  
21 for employment of the minor.

22 (3) The Division of Labor Standards Enforcement shall prepare  
23 and make available on its Internet Web site the application form  
24 for a temporary permit. An applicant for a temporary permit shall  
25 submit a completed application and application fee online to the  
26 division. Upon receipt of the completed application and fee, the  
27 division shall immediately issue a temporary permit.

28 (b) The Labor Commissioner shall deposit all fees for temporary  
29 permits received into the Entertainment Work Permit Fund, which  
30 is hereby created in the State Treasury. The funds deposited in the  
31 Entertainment Work Permit Fund shall be available to the Labor  
32 Commissioner, upon appropriation by the Legislature, to pay for  
33 the costs of administration of the online temporary minor's  
34 entertainment work permit program.

35 (c) The Labor Commissioner shall set forth the fee in an amount  
36 sufficient to pay for these costs, but not to exceed fifty dollars  
37 (\$50).

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